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AUTHOR	Blaufarb, Marjorie
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ABSTRACT

The American Alliance for Health, Physical Education, and Recreation (AAHPER) has designed this manual to aid teachers, coaches, and administrators in implementing Title IX in physical education and sports. The manual provides an outline for self-evaluation to assess compliance with the regulations; and an action checklist for evaluation of compliance. Implementation on the elementary, intermediate, high school, and college levels is discussed briefly with some suggestions and guidelines offered. Specific guidelines are offered for the area of competitive sports, both intramural and interscholastic. Some problem areas that are likely to arise regarding the use and management of facilities, teacher behavior, employment, community relations, and student attitudes are discussed. (JMF)

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Complying with Title IX of the Education Amendments of 1972 in physical education and high school sports programs

A manual on physical education and sports programs for administrators, athletic directors, coaches, and teachers in local education agencies and for personnel in general physical education programs in colleges and universities

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Complying with Title IX of the Education Amendments of 1972 in physical education and high school sports programs

A manual on physical education and sports programs for administrators, athletic directors, coaches, and teachers in local education agencies and for personnel in general physical education programs in colleges and universities

Prepared under the auspices of the American Alliance for Health, Physical Education, and Recreation in completion of a subcontract from the Resource Center on Sex Roles in Education (National Education Association), contractors for the Office of Education (U.S. Department of Health, Education and Welfare).

Writer:
Marjorie Blaufarb, Director of Public Affairs, AAHPER

Consultants:
Patricia Barry, Wheaton High School, Montgomery County, Maryland
Lucille Burkett, Shaker Heights City Schools, Ohio
Lou Jean Moyer, Northern Illinois University, DeKalb
Jack Razor, Illinois State University-Normal
Barbara Thumler, Philadelphia Public Schools, Pennsylvania
Mae Timer, New York State Department of Education, Albany
Richard Vert, Seneca Valley High School, Montgomery County, Maryland

Editor:
Nancy Rosenberg, Director of Periodicals, AAHPER

Project Assistant:
John Ganoe, Program Assistant, Public Affairs Unit, AAHPER

Production Assistants:
Merry Falconer, Senior Editor, Periodicals Unit, AAHPER
Barbara Martin, Periodicals Assistant, AAHPER

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American Alliance for Health, Physical Education, and Recreation
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Foreword

Since December 1972 I have been writing about Title IX and trying to put across the point of view that it can be the means to improve physical education programs. In speeches and writing, I have repeated *ad nauseum* that not only was Title IX not intended to be mischievous but that it can be the greatest impetus for helpful healthy changes that we have seen for a long time. In many instances, I recognize that I have been preaching to the converted. In others, after the first hestitating steps, individuals have told me that they would not like to go back to the old sex segregated way of doing things.

There has been a great move to improve athletic programs for girls for several years; all Title IX has been able to do is to help along a well established trend. This is to the good.

It has been a pleasure to work on this manual with a group of people who know so much more than I do about physical education and athletics. We hope it will prove useful to all AAHPER members who wish to implement Title IX profitably for students and faculty. I personally owe a great debt of gratitude to the consultants listed on the title page and to the staff of the AAHPER periodicals unit who helped to produce this manual in an unbelievably short period of time.

Marjorie Blaufarb
Director of Public Affairs
AAHPER

The AAHPER has been deeply concerned and involved with Title IX of the Education Amendments of 1972 from the time the Office of Civil Rights first started to develop the guidelines. Before most people were aware of Title IX, staff members and officers were consulting with OCR officials and staff sharing our professional concerns. We reacted to the initial draft of the guidelines, testified before congressional committees in support of the guidelines and have attempted to keep members informed regarding implications and interpretations through our periodicals and consultant services at workshops, meetings and institutes.

We are pleased to have the opportunity to be a part of this project on the interpretation of Title IX and to have the privilege to make this section on physical education and athletics available to our professions. We think you will find this publication a valuable tool as you work with your program to implement this law or as you work with administrators in resolving the administrative problems and initiating the necessary changes to bring your programs into full compliance with the law.

We encourage you to proceed in a positive manner knowing that the administrative problems can be solved and the programs modified to provide a sound physical education and sports experience for all students. The law is forcing us to do what we should have done long ago—provide equal sport and physical education opportunities for all students.

We wish you success as you move ahead with your plans. You can count on the officers and staff of AAHPER to assist you if you need additional information or interpretation.

George Anderson
Executive Director
AAHPER

Title IX of the Education Amendments of 1972

This law is based on the principle that all activities in educational programs have equal value for both sexes. The regulations therefore state that physical education classes may not be conducted separately on the basis of sex, nor may participation in physical education programs be required or refused on the basis of sex. This principle has caused dismay in the minds of many administrators and teachers because for many years there has been a practice of offering instruction in physical skills separately beginning sometimes as early as grade 4 or 5.

It was not the intention of the people who framed the legislation, nor of those who wrote the regulations to effectuate it, to make the lives of administrators and teachers more difficult than they are under normal circumstances. The legislation, and the regulations, arose from a demonstrated need to improve the opportunities of females in physical education and athletics along with all other areas of education. Those who cling to the sex segregated programs state that they do so for reasons of safety and administrative and organizational convenience, because of physical, physiological and psychological differences between the sexes, and because of differing teaching philosophies held by men and women.

The result of this practice of sex segregation has often been, even in those schools where facilities and equipment were comparable, that program opportunities for females neglected some of the tougher activities and concentrated on activities the teacher considered more suitable. But, over the past decade, there have been changes in this practice of sex segregation. In many schools some or all of the classes have been sex integrated. In most cases where this has been attempted it has been welcomed enthusiastically by students and the teachers have found it worked well and improved the program for both sexes.

This manual will attempt to examine the fears and some of the practices, and to offer some suggestions in the light of the experience of the consultants listed on the title page, all longtime teachers and administrators. Model curricula are not offered, because of a desire to avoid limiting the activities. There is no one best model for all the varying situations that influence programming in schools throughout the country. It cannot be said too often that any activities that have traditionally been offered in physical education classes may continue to be offered in a sex integrated class.

In order to assist in an understanding of the Title IX regulations it helps to define the components of a school program as they relate to physical activity. According to platform statements and position papers of the profession, "*Physical education* is that integral part of the total education which contributes to the development of the individual through the natural medium of physical activity—human movement. In it regular instruction and practices are provided in a variety of physical activities (leading up to and including athletics) that are suited to the nature and needs of the students depending on age and development and that ensure the development of an adequate level of physical fitness." (3) "The *intramural* program provides opportunities for students to utilize, in organized competition with their schoolmates, the knowledge and skills acquired in the basic physical education program. The *interscholastic* athletic program provides opportunities in secondary schools for students with superior athletic ability to develop and utilize fully this talent through organized competition with students of similar ability from other schools." (1)

This manual has been divided into educational levels for convenience, but experienced teachers, coaches and administrators will understand that many of the statements made about one level of school experience are applicable to all levels.

Access to Courses in Physical Education

The Regulation

§ 86.34 of the Title IX Regulation states that an institution or agency may not:

. . . provide any course or otherwise carry out any of its education program or activity separately on the basis of sex, or require or refuse participation therein by any of its students on such basis, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

(a) With respect to classes and activities in physical education at the elementary school level, the recipient shall comply fully with this section, as expeditiously as possible but in no event later than one year from the effective date of this regulation. With respect to physical education classes and activities at the secondary and post-secondary levels, the recipient shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

(b) This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

(c) This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(d) Where use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one sex, the recipient shall use appropriate standards which do not have such effect.

(e) Portions of classes in elementary and secondary schools which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

Self-Evaluation: An Outline (5)

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in physical education programs and to plan necessary modifications, it is necessary to:

Review the following materials:

- copies of physical education requirements for students at all grade levels
- copies of curriculum guides that outline the content, activities or instructional methodologies of all physical education programs
- copies of all physical education course descriptions
- descriptions of all facilities and equipment used in physical education programs.

Collect the following data:

- name, description and grade level of all physical education courses conducted separately for males and females, and statement of facilities and equipment used
- name, description and grade level of all physical education courses conducted on a coeducational basis and statement of facilities and equipment used
- course enrollments by sex in physical education courses at all grade levels
- summary of program activities within each physical education course.

Determine compliance by answering:

- Are physical education requirements the same for males and females?
- Are physical education classes conducted on a coeducational basis except during participation in contact sports?
- Do course descriptions make it clear that all physical education courses are open to male and female students according to nondiscriminatory criteria?
- Do course descriptions state the criteria for measurement of skills where these are used to group students?
- Are criteria used for measurement of progress within a physical education course or program explicit and free of adverse effects upon students of one sex?
- Are physical education class activities sufficiently diversified for achieving the range of physical education program goals and not concentrated only on contact sports?

If you have answered "no" to any of these questions, you need to undertake modifications and remedial steps to achieve compliance with Title IX.

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in physical education programs. *(Note: These checklists are procedural only; substantive criteria for compliance evaluation are contained in the preceding section, "Self-Evaluation: An Outline.")*

Central Office Staff

- Has a policy statement been issued which affirms the right to every student to physical education without regard to sex?
- Has a policy directive regarding the specific implications of Title IX for agency and school physical education programs been disseminated to administrators and relevant staff?
- Have forms, procedures and timelines been developed for submission to the central office by building administrators of the following:
  - —list of enrollments by sex in all physical education courses with identification of the facilities used?
  - —description of nondiscriminatory criteria used in assigning students to courses, classes or ability groupings?
  - —description of nondiscriminatory standards used in assessing individual progress in physical education courses?
  - —statement of barriers (if any) to achieving immediate compliance with requirements of the Title IX Regulation?
- Have district physical education requirements been received and modified where necessary to ensure that they are identical for males and females?
- Have district guidelines or requirements for physical education programs — including course outlines, instructional methodologies, class activities and skills measurement criteria—been reviewed and modified where necessary to ensure compliance with Title IX?
- Have guidelines regarding procedures and/or criteria to be used in assigning students to physical education classes been developed and disseminated to administrative and relevant staff to facilitate compliance with Title IX requirements?
- Has every building administrator submitted all required data and assurances to the central office according to specified timelines?
- Have district plans been made for ensuring compliance with the Title IX Regulation requirements for physical education at the earliest possible date? Do they involve:
  - —staff training?
  - —program revision?
  - —rescheduling?
  - —renovation or construction of facilities?

Building Administrators (Principals/Supervisors)

- Has a policy directive regarding the specific implications of Title IX for school physical education programs been disseminated to all physical education staff?
- Have you requested that all building staff submit information regarding any instances of sex discrimination that they may identify in practices, policies or materials relating to physical education?
- Has your school prepared the following for submission to the central district administration:
  - —list of enrollments by sex in all physical education courses with identification of facilities used
  - —description of nondiscriminatory criteria used in assigning students to courses, classes, or ability groupings
  - —description of nondiscriminatory standards used in assessing individual progress in physical education courses
  - —statement of barriers (if any) to achieving immediate compliance with requirements of the Title IX Regulation
  - —description and assurances of immediate compliance activities where possible
- Have plans been developed for ensuring school compliance with the Title IX Regulation requirements for physical education at the earliest possible date? Do they involve:
  - —staff training?
  - —program revision?
  - —rescheduling?
  - —renovation or construction of facilities?

Building Staff (Instructors)

- Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in physical education courses or programs for which you have responsibility?
- Are all your physical education courses, classes or activities (other than those involving bodily contact) provided on a coeducational basis?
- Have you reviewed the criteria you use in assigning students to classes or ability groupings to ensure that they are objective and objectively applied?
- Have you reviewed the criteria you use in measuring student progress within physical education courses to ensure that they do not have an adverse effect on students of one sex?
- Have you submitted to your administrator or supervisor information regarding instances of sex discrimination that you have identified in practices, policies, or materials relating to physical education in your agency/school?

The Elementary Physical Education Program (grades kindergarten-4)

The requirement that physical education classes in elementary schools be integrated by the end of the first year after signing of the regulations should present no difficulty in grades K-4. Primarily classes at this level have not been conducted separately for the sexes.

A comprehensive physical education program is founded on a common core of learning experiences concerned with efficient body management in a variety of movement situations. It serves the divergent needs of all pupils by providing a variety of learning experiences planned and carried out to emphasize the development of basic concepts, values, and behaviors associated with the ultimate goal for the physically educated person.

To meet the requirements of Title IX and to provide for the developmental needs of each girl and boy it is only necessary to adopt the recommendations for instructional programs suggested in 1969 by the Elementary Physical Education Commission of the Physical Education Division of the American Alliance for Health, Physical Education, and Recreation (AAHPER). (2) These recommendations read:

The instructional program should be designed to: (1) encourage vigorous physical activity and the attainment of physical fitness; (2) develop motor skills; (3) foster creativity; (4) emphasize safety practices; (5) motivate expression and communication; (6) promote self-understanding and acceptance; and (7) stimulate social development. It should include such experiences as basic movement, dance, games, practice in sport skills, stunts, and tumbling work with large and small apparatus. When possible, the program should include aquatics. Each must be so structured that it is interrelated with the others, permitting children to generalize from one learning experience to the next.

Some of the experiences mentioned above will be only a very small part of the instruction in the K-4 program. As is already done by teachers individualizing instruction, sports skills, stunts and tumbling will be introduced gradually as boys and girls are ready for them. In some schools even at grade 4, there has been some attempt to separate pupils by sex because some sports skills are introduced at that level. There is no sound educational basis for this separation; throwing skills, running skills, and dodging skills are necessary for *all* children to learn.

It is wise to look with suspicion on suggestions that some sports skills being introduced at this stage are too rough or dangerous for girls. It may be taken as a general rule of safety that activities too rough for one small child are too rough for all children of the same size and weight.

From the foregoing, and from what we know of the practices of most elementary physical education teachers, it seems safe to assume that there are few problems in complying with Title IX at this level. Teachers construct activities in keeping with the philosophy of the school in such a manner as to provide for the safety of the boys and girls. Many teachers will feel happy about what they are doing; some may be stimulated to be more adventurous in the choice of activities as a result of the self-evaluation that was required during the first year.

Intermediate Physical Education (grades 5-8)

It is in preparing lesson plans for grades 5-8 that more of the problems and anxieties of teachers begin to surface in connection with Title IX. It is at this level, beginning in grade 5, that traditionally there has been more emphasis on teaching sports skills for boys. This undoubtedly has been because male students had more sports opportunities in the higher grades and also because of that old bugaboo that some activities are not suitable for girls.

Boys and girls need to learn all types of skills so that they may realize their commonality. The values of motor skills have equal importance to girls and boys and the instruction method is the same.

In grades 5-8 where children develop at very different rates depending on early or late puberty, the teacher is already well aware of the need to keep track of the range of abilities of the students, of their size and weight; (s)he already selects organizational patterns during lessons that take into account the socialization level of the children. It is especially needful in sex integrated classes to be aware of these factors and to organize classes so that the same youngsters are not always opposed by each other. Pairing and grouping should not always be by skill or by size but sometimes at random and on other occasions for quite different reasons.

By grade 5, boys and girls who have been exposed to good physical education classes in grades K-4 are more skillful, have developed more control, and are ready to test themselves with mild competition and to begin to learn some sports. It is at this stage that the teacher will wish to guard against the temptation to teach aggressive type activities to boys and nonaggressive activities to girls. Although the sexes may be segregated *within* the class when contact sports are being taught, it is recommended that some contact sports be modified a little so that they may be played by all students together.

Teachers who fear sex integrated physical education sometimes fall into the trap of allowing the physical education class to become a "recreation" period. Traditional activities are discontinued in favor of more sedentary

occupations with which the teacher feels more comfortable in the sex integrated class. If this occurs, the boys and girls are being cheated of the vigorous physical activity which they need to maintain good cardiovascular conditioning or physical fitness.

Almost all the activities which have been taught in segregated physical education classes are suitable for teaching in integrated classes. If there is only one physical education teacher in a school (which still happens in small junior high and middle schools) (s)he should look at his/her strengths and weaknesses realistically. Lean heavily on the strengths revealed and design a program within your capabilities which you know to be good for the boys and girls. More strengths than weaknesses may have been revealed by the self-evaluation and the teacher may feel more comfortable in making the necessary changes and realize they are for the better.

In departments of two or more teachers, the administrator or department head will wish to look at the capabilities of all staff members and devise a program based on the strengths shown, at the same time allowing opportunity for individuals to learn other skills in team teaching situations or in other forms of staff development.

Although not required by Title IX opportunities should be provided at this level for participation in organized intramurals and other extramural programs such as sports days. Such intramural and other competitive opportunities should be equally available to both sexes. In some schools and school districts there has been an organized intramural and extramural program in grades 7 and 8 but the balance between girls and boys was inappropriate. In keeping with the requirements of Title IX, efforts will now need to be made to provide more participation for female pupils. In some school districts invitational meets at a high school have been held, with all feeder junior high schools receiving invitations.

Title IX makes no curricula requirements except that physical education classes may not be conducted separately on the basis of sex. The courses may be oriented to an elective-selective process and include many single, dual or carryover sports or include more team sports depending on local practice. Students may be separated by sex within the physical education classes for participation in activities that involve bodily contact. These would include, according to Title IX, wrestling, basketball, boxing, rugby, ice hockey, and football, but not softball or baseball. Teachers aware of the needs of boys and girls may wish to modify these sports in such a way as to provide for the safety of the students so that they may be played in the sex integrated situation. For example, international rules of basketball might be demonstrated and used in integrated classes.

Students may be scheduled into classes by skill level and this may sometimes result in a class being almost all one sex. This should not be viewed as an ideal solution or a way of avoiding integration. Where the use of a single standard for measuring skill adversely affects members of one sex, a different standard or standards which do not have such an effect must be used. (6) Such different standards could be age, size, weight, or strength, or a combination of these together with skill.

High School Physical Education
(grades 9-12)

There are many views of what high school physical education is but the National Association for Sport and Physical Education (NASPE/AAHPER) in its Secondary School Physical Education position statement says physical education is that integral part of total education which contributes to the development of the individual through the natural medium of physical activity which is human movement.(3) It is a carefully planned sequence of learning experiences designed to fulfill the growth, development and behavior needs of each student. It encourages and assists each student to develop the skills of movement, the knowledge of how and why one moves, and the ways in which movement may be organized; to learn to move skillfully and effectively through exercise, games, sport activities, dance and aquatics; to enrich the understanding of the concepts of space, time and force related to movement; to express culturally approved patterns of personal behavior and interpersonal relationships in and through games, sport and dance; to condition the heart, lungs, muscles and other organic systems of the body to meet daily and emergency demands; to acquire an appreciation of and a respect for good physical condition (fitness), a functional posture and a sense of personal well-being; and to develop an interest and a desire to participate in lifetime recreational sport activities.

Although physical skills developed in physical education classes may be used in competitive athletics, and although a low level of competition may be appropriate at times in sports instruction, athletic programs are not a good model to use when considering steps to take to comply with the physical education clauses of 86.34 of the Title IX regulations quoted earlier.

In reading the position statement it appears that none of the desired outcomes of a good physical education program are inconsistent with sex integrated physical education classes. But the fears of undesirable results arising from sex integrated physical education classes are greater at the high school level than at any other.

If the instructional program is coordinated from K-12 by the time the

student reaches grade 9 the skills taught in the primary grades can be directed into specific activities. The full range of activities taught in separate classes are suitable for integrated classes.

The NASPE Secondary School Council (3) position paper mentioned earlier calls for the secondary school instructional program to include a required core of experiences at progressive performance levels in the following activities: basic and creative movement, rhythm and dance, games, individual and team sports, gymnastics, aquatics where possible, and lifetime sports. In addition to core experiences, the selection of courses designed to produce advanced or specialized skills and knowledge should be available. The class should not be a "recreational" program in order to meet the requirements of Title IX.

Administrators and department heads are urged to build the curriculum around the known capabilities of the staff and the needs and interests of the boys and girls. Inservice training during the adjustment period will be necessary in many cases. Team teaching where a confident, experienced teacher is teamed with a less experienced one, or a teacher is teamed with a colleague with skills and knowledge (s)he does not have could be viewed as a form of inservice training. If there is a demand for wrestling instruction, a sport in which women teachers might be less proficient, a male-female team would enable the less experienced woman to learn by observation and practice how to teach this activity. Some schools have introduced self defense activities to both sexes with success and these can appropriately be taught and learned in the sex integrated setting.

The carryover leisure sports lend themselves to sex integrated instruction but care should be taken not to limit students to choices of only individual and dual sports in high school. Title IX does not require any particular kind of program or make specific requests about which activities should be included. Some students may still wish to have instruction in team sports which they enjoy. Where a smorgasbord of activities is offered on an elective-selective basis, in courses such as square dancing, social dancing or others where couples are more appropriate suitable registration procedures may be devised to achieve the desired result.

Course offerings must not be sex designated, e.g., boys basketball and girls basketball. Courses are to be open to all and it is only in the playing situation of contact sports that separation by sex may be made in an instructional situation. This is true at all levels of instruction.

The College Program

As at all other levels of education, course offerings in the general physical education program at the university level may not be provided separately on the basis of sex, nor may participation therein be refused on such basis. In practice this means that curriculum offerings may not be sex designated, and a more recent ruling by the Director of the Office of Civil Rights/HEW in answer to an inquiry has stated that physical education departments should not be sex designated even though courses are open to both sexes, because such designations have a chilling effect on students.

The regulations to effectuate Title IX make no curriculum requirements except with regard to open access. The College and University Physical Education Council of the National Association for Sport and Physical Education (NASPE/AAHPER) (4) has recommended curriculum standards for the general program as follows:

A broad range of course experiences should constitute a reservoir from which students may select an activity designed to meet their needs and interests and at times and of duration compatible with other university pursuits. While faculty qualifications, space, and facilities may influence course offerings, a quality program should provide a knowledge and understanding of the discipline of physical education through experiences in the following areas: individual, dual, and team sports, rhythms, aquatics, combatives, conditioning, sports appreciation, and recreational carry-over skills. Emphasis should be given to the less traditional areas of survival skills, movement repertoire, and communicative skills, as well as movement for the pure joy of movement.

Survival skills can be classified as either physiological or safety related. Physiological survival involves nutrition and exercise levels adequate to maintain the muscular system, organs, and body structure at an efficient level of health. Safety survival skills are usually related to quick reactions and the capacity to use available strength effectively in an emergency. Techniques designed to avoid bodily injury during participation in sports is part of this instruction.

It will be seen that within the

range of offerings suggested there are none that it is impossible to present on a sex integrated basis within the limits set by the regulations, which are, that in activities which include bodily contact the sexes may be separated *within* the class. In a report on the status of general instruction programs of physical education in four-year colleges and universities: 1971-72, Joseph B. Oxendine of Temple University stated that "coeducational courses continue to grow to the extent that the majority of physical education courses are now coeducational." This indicates that by this time there is wide experience at the college level in sex-integrated programs.

Most problems reported seem to be concerned with evaluation and marking. It is important to use a grading system consistent with the objectives of the course and the policies of the school as a whole. These policies should be clearly stated and understood by all students prior to the beginning of the instruction phase of the course. Bear in mind that where use of a single standard for measuring skill or progress in a physical education class has an adverse impact on members of one sex, a different standard or standards which do not have such an effect must be used. The use of different standards for measuring progress would take care of situations where marks are given based among other criteria on strength factors. In a bowling class, for example, where experience has shown that a sufficient number of male students can achieve an average of 200 so that is a realistic standard for an "A," but females for the most part can only achieve 180, it would be permissible to adopt those different average scores as marking standards. Faculty members will naturally be observant of changes in the skill levels of students as with greater opportunities these will undoubtedly change.

Another situation which would call for variations in class organization and good judgment in deciding how students would oppose one another would be in a self-defense class. If the men in such a class were always teamed with women of the same size or smaller than themselves, they would never gain experience in defending themselves against another man or a bigger person. This type of activity would call for variations in organization to allow for this problem.

Where there is some doubt about a reasonable standard to use in assessing progress or competence, teachers can appeal to the governing body of the sport involved for information on the standards they use for mixed play.

Offering courses at the beginning, intermediate, and advanced levels may improve the learning situation when courses are being integrated and it may be that four or five levels could be made available in some cases. Foundations of physical education courses which combine intellectual content with laboratory experiences have frequently been sex integrated and fit well into the philosophy of Title IX. Such courses try to assist students to gain enough information about the value of fitness and the nature of his/her personal needs that (s)he can make intelligent decisions concerning the role of physical activity throughout life. (4)

This paper was not designed to look at professional preparation programs for physical education teachers and coaches. One area in professional preparation should be addressed—different requirements for graduation of male and female students are not only violations of the Title IX regulations but would make it more difficult for beginning teachers to teach effectively in the sex integrated situations they will find in schools from now on.

Competitive Sports, Grades 7-12—Intramurals and Interscholastics

The Regulation

Section 86.41 of the Title IX Regulation states that an institution or a [illegible] must develop and operate athletic programs according to the following specifications:

(a) *General.* No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient, and no recipient shall provide any such athletics separately on such basis.

(b) *Separate Teams.* Notwithstanding the requirements of paragraph (a) of this section, a recipient may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but operates or sponsors no such team for members of the other sex, and athletic opportunities for members of that sex have been previously limited, members of the excluded sex must be allowed to try out for the team offered unless the sport involved is a contact sport. For the purposes of this Part, contact sports include boxing, wrestling, rugby, ice hockey, football, basketball and other sports the purpose or major activity of which involves bodily contact.

(c) *Equal Opportunity.* A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics shall provide equal athletic opportunity for members of both sexes. In determining whether equal opportunities are available the Director will consider, among other factors:

(i) whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes
(ii) the provision of equipment and supplies
(iii) scheduling of games and practice time
(iv) travel and per diem allowance
(v) opportunity to receive coaching and academic tutoring
(vi) assignment and compensation of coaches and tutors
(vii) provision of locker rooms, practice and competitive facilities
(viii) provision of medical and training facilities and services
(ix) provision of housing and dining facilities and services
(x) publicity

Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams if a recipient operates or sponsors separate teams will not constitute noncompliance with this section, but the Director may consider the failure to provide necessary funds for teams for one sex in assessing equality of opportunity for members of each sex.

(d) *Adjustment Period.* A recipient which operates or sponsors interscholastic . . . club or intramural athletics at the elementary school level shall comply fully with this section as expeditiously as possible but in no event later than one year from the effective date of this regulation. A recipient which operates or sponsors interscholastic, intercollegiate, club or intramural athletics at the secondary or post-secondary school level shall comply fully with this section as expeditiously as possible but in no event later than three years from the effective date of this regulation.

Additional specifications and explanatory information regarding this portion of the Regulation are provided in the Memorandum regarding the "Elimination of Sex Discrimination in Athletic Programs," issued by the Director, Office for Civil Rights, HEW, in September, 1975.

Self-Evaluation: An Outline

In order to assess and evaluate present compliance with the requirements of the Title IX Regulation for nondiscrimination in athletics, it will be necessary to:

Review the following materials:

- all listings or descriptive materials regarding athletic programs or offerings
- copies of all policy materials relating to the operation or administration of athletic programs or teams
- all policies or materials relating to eligibility for participation in any component of the athletic program
- copies of all rules or by-laws of any interscholastic athletic association or league in which the agency or the teams participate
- copies of all descriptive materials relating to agency athletic programs (including student handbooks)
- schedules of all athletic events operated or sponsored during the current year
- existing records regarding student participation in athletics during the past three years
- any descriptive materials concerning athletic facilities and equipment, including schedules for use, inventories, and policies regarding student access
- all publicity issued during the past year concerning sports events or team members
- all descriptions of coaching, tutoring, training, medical and related services provided to athletes, and criteria for student eligibility
- all budget materials pertinent to athletic programs
- an organizational description or job descriptions of all positions related to the provision of athletic programs
- copies of all contracts with athletic personnel
- all program plans concerning current or future provision and operation of athletic programs

Collect the following data:

- listing of all athletic teams/offerings by
  - —school
  - —sport
  - —level of competition (i.e., varsity, intramural, etc.)
  - —number of teams competing
  - —number of all-male teams and number of members
  - —number of all-female teams and number of members
  - —number of mixed sex teams and number of members by sex
  - —criteria for eligibility/selection
- listing, *for each team*, of:
  - —the number of competitive events each team has scheduled
  - —the time allocated to competition and to competition before an audience (e.g.—girl's basketball: January 10 through March 17; Friday evenings at 8:00) and the facilities used
  - —the coaches for each team by sex and salaries of each
  - —the total amount of practice time allotted, the practice facilities used, and the practice schedule
  - —a description of provisions made for transporting the team to events away from home, including listing of such events, modes of transportation used, and per diem allowance provided, if any
  - —description of equipment and uniforms provided
  - —listing of support services provided (e.g., cheerleaders, pep band, etc.)
- an estimate (collected by any reasonable means) of the athletic interests of male and female students by age and school and their relative abilities in the sports involved
- a description of the qualifications and responsibilities of all athletic program staff

Determine compliance by answering the following questions:

- Do existing athletic programs and activities—interscholastic, intramural and club—meet the interests and levels of ability of both male and female students?
- Are all athletic programs conducted on a sex-integrated basis, unless:
  - —the activity involved is a contact sport (football, basketball, wrestling, boxing, ice hockey, rugby, and others whose major activity involves bodily contact)?
  - —the team involved is comprised of members selected on the basis of competitive skill?
- If any athletic activities covered under these two exemptions are conducted separately for males and females, has a determination been made that such separation most effectively accommodates the interests and abilities of members of both sexes?
- Where mixed-sex or unitary teams are provided, has a determination been made that such unitary teams most effectively accommodate the interests and abilities of members of both sexes?
- If a team in a non-contact sport is operated or sponsored for members of one sex with no team in that sport operated or sponsored for members of the other sex, are members of the excluded sex allowed to try out for that team if *overall* athletic opportunities for members of the excluded sex have previously been limited?
- If an intramural, club or interscholastic sport provided only in a single sex-separated team—*including* sports which involve bodily contact or those for which team selection is based on competitive skill—is of interest to a sufficient number of students of the excluded sex to form a *separate* team, is such a team provided when opportunities for the excluded sex have previously been limited?
- Are all teams in non-contact sports for which selection is based on interest rather than ability (such as intramural or club athletics) open to members of both sexes?
- Is equal opportunity for athletic participation and athletic benefits provided to both males and females, including but not limited to:
  - —effective accommodation of the interests and abilities of members of both sexes in sports and levels of competition offered?
  - —equipment, uniforms and supplies provided?
  - —travel and per diem allowance provisions?
  - —opportunity to receive coaching and academic tutoring?
  - —access to locker rooms, practice, and competitive facilities?
  - —access to medical and training facilities and services?
  - —efforts to provide publicity?
  - —availability of supports such as cheerleaders, pep band, or pep rallies?
- Are funds allocated as necessary to

provide equal opportunity to members of both sexes?

- Where separate-sex teams are maintained, are regulations or policies governing each (such as those concerning scheduling, supervision, or criteria for eligibility, including medical examination and scholastic average) free from differentiation on the basis of sex? (Differences in game rules are *not* prohibited.)
- If separate-sex teams are maintained for a particular sport, do male and female teams have seasons comparable in length, number of opportunities to compete, and number of opportunities to compete before an audience?
- Do males and females receive equal recognition for athletic participation and/or athletic excellence? (For example, if letters are awarded are they awarded to both males and females on the basis of comparable criteria?)
- Are both male and female students eligible to receive coaching, instruction, training or other supervision (except in locker rooms) from persons of the opposite sex?
- Are personnel assigned coaching, instructional, training or supervisory responsibilities without regard to their sex or the sex of students receiving such services?
- Is the compensation of male and female athletic personnel equal for comparable jobs?
- Has an assessment been made of current and any proposed administrative structures to ensure that they do not have a disproportionately adverse effect on employees of one sex?
- If the answer to any of these questions is no, have barriers to immediate modifications necessary to achieve compliance been identified and steps to overcome these barriers been specified with a timetable for their implementation?
  - —Will compliance be achieved by July 21, 1976 at the elementary level?
  - —Will compliance be achieved by July 21, 1978 at the secondary level?

If you have answered "no" to any of these questions, you will need to undertake modifications and remedial steps to achieve compliance with Title IX.

Self-Evaluation: Action Checklists

Self-evaluation is a process involving staff at all levels of the institution or agency. The following checklists provide general suggestions to personnel at the central administrative, building administrative, and building staff levels as to procedures and review questions which facilitate effective evaluation of compliance with Title IX requirements for nondiscrimination in physical education programs. *(Note: These checklists are procedural only; substantive criteria for compliance evaluation are contained in the preceding section, "Self-Evaluation: An Outline.")*

Central Office Staff

- Has a policy statement been issued which affirms the right of every student to participation in interscholastic, intramural and club athletics without regard to sex?
- Has a policy directive been issued regarding the specific implications of Title IX for agency athletic policies, programs, and practices?
- Have forms, procedures and timelines been developed and disseminated for submission to the central office by building administrators of:
  - —assurances of review of all school policies pertaining to student access to athletic programs and modifications where necessary to ensure that females and males are provided equal access to interscholastic, intramural, and club athletics as required by Title IX?
  - —assurances of review of all school policies related to team selection and/or composition and modification where necessary to ensure compliance with Title IX requirements?
  - —assurances of the completion of an assessment, by some reasonable method, of the athletic interests and abilities of students of each sex?
  - —assurances of review of all school athletic programs and modification where necessary to ensure that the interests and abilities of both males and females are effectively accommodated as required by Title IX?
  - —assurances of review of all school athletic programs and practices and modification where necessary to ensure compliance with Title IX requirements for sex equality in athletic benefits according to the criteria specified in § 86.41(c) of the Regulation?
  - —assurances of review of any descriptive materials (including student handbooks) pertaining to school athletic programs, and modification where necessary to reflect compliance with Title IX?
  - —assurances of review of all budget materials pertaining to athletic programs and expenditures to ensure that funds are allocated as necessary to provide equal athletic opportunities for females and males according to Title IX requirements?
  - —assurances of review of current and projected school athletic administrative structures and modification where necessary to ensure that they do not have disproportionately adverse effects on the employment opportunities of members of one sex?
  - —assurances of review by sex of job assignments and compensation of all school athletic staff and modification where necessary to ensure the compliance of athletic staffing patterns with Title IX requirements?
  - —information concerning any barriers to immediate school compliance with Title IX athletic requirements identified and a specification of steps and timelines for their expeditious elimination?
  - —plans to ensure the school's full compliance with Title IX requirements for athletics by the date specified in the Regulation?
- Have all agency policies pertaining to student access to athletics been reviewed and modified where necessary to ensure that males and females are provided equal access to interscholastic, intramural, or club athletics as required by Title IX?
- Have all agency policies related to athletic team selection and/or composition been reviewed and modified where necessary to ensure compliance with Title IX requirements?
- Have guidelines and/or procedures been developed and disseminated for the assessment by schools of the ath-

letic interests and relative abilities of students of both sexes?

• Have all agency athletic programs been reviewed and modified where necessary to ensure that the interests and abilities of both females and males are effectively accommodated as required by Title IX?

• Have all agency policies pertaining to the provision of athletic benefits been reviewed and modified where necessary to ensure compliance with the equal opportunity criteria specified in § 86.41(c) of the Title IX Regulation?

• Have all descriptive materials issued by the agency pertaining to athletic programs (including student handbooks) been reviewed and modified where necessary to reflect compliance with Title IX?

• Has the agency athletic budget been reviewed and modified where necessary to ensure that funds are allocated as necessary to provide equal athletic opportunities as required by Title IX?

• Have the rules and by-laws of any interscholastic athletic association or league in which the agency or agency teams participate been reviewed to determine their compliance with Title IX requirements?

• Have the current and projected agency athletic administrative structures been reviewed and modified where necessary to ensure that they do not have a disproportionately adverse effect upon the employment opportunities of one sex?

• Have agency policies regarding the assignment and compensation of athletic staff been reviewed and modified where necessary to ensure compliance with Title IX?

• Have all building administrators submitted all relevant data and assurances according to the specified timeline?

• Have any barriers to immediate agency compliance with Title IX athletic requirements been identified? If so, have steps and timelines been specified for their expeditious elimination?

• Have plans been developed to ensure agency compliance with Title IX requirements by the dates specified in the Title IX Regulation? Do they involve:

—staff training?
—program revision?
—rescheduling?
—renovation or construction of facilities?

Building Administrators (Principals/Athletic Directors)

• Has a policy directive been issued regarding the specific implications of Title IX for agency athletic policies, programs, and practices?

• Have you requested that all building staff submit information concerning sex discrimination that they may identify in school athletic policies, programs, practices and materials?

• Have you prepared the following and submitted them to the central administration according to specified format and timelines:

—assurances of review of all school policies pertaining to student access to athletic programs and modification where necessary to ensure that males and females are provided equal access to interscholastic, intramural, and club athletics as required by Title IX?
—assurances of review of all school policies related to team selection and/or composition and modification where necessary to ensure compliance with Title IX requirements?
—assurances of the completion, by some reasonable method of an assessment, of athletic interests and relative abilities of students of each sex?
—assurances of review of all school athletic programs and modification where necessary to ensure that the interest and abilities of both males and females are effectively accommodated as required by Title IX?
—assurances of review of all school athletic programs and practices and modification where necessary to ensure compliance with Title IX requirements for sex equality in athletic benefits according to the criteria specified in § 86.41(c) of the Regulation?
—assurances of review of all budget materials pertaining to athletic programs and expenditures to ensure that funds are allocated as necessary to provide equal athletic opportunities for males and females according to Title IX requirements?
—assurances of review of current and projected school athletic administrative structures and modification where necessary to ensure that they do not have a disproportionately adverse effect upon the employment opportunities of members of one sex?
—assurances of review, by sex, of job assignments and compensation of all school athletic staff and modification where necessary to ensure the compliance of athletic staffing patterns with Title IX requirements?
—information concerning any barriers to immediate school compliance with Title IX requirements identified and a specification of steps and timelines for their expeditious elimination?
—plans to ensure the school's full compliance with the Title IX requirements for athletics by the date specified in the Regulation? Do these plans involve:
  —staff training?
  —program revision?
  —rescheduling?
  —renovation or construction of facilities?

Building Staff (Coaches and Staff)

• Have you familiarized yourself with the implications of Title IX requirements for nondiscrimination in athletics for all the athletic programs for which you have responsibility?

• Does membership on all teams for which you have responsibility reflect compliance with Title IX requirements for team selection and/or composition?

• Are the interests and abilities of both females and males accommodated in any sports/programs for which you have responsibility?

• Have you reviewed the athletic benefits provided in any sports or to any teams for which you have responsibility to determine their compliance with the equal opportunity criteria specified in § 86.41(c) of the Regulation?

• Have you reviewed any descriptive materials pertaining to sports or teams for which you have responsi-

bility to ensure that they reflect compliance with Title IX?

- If you have identified any barriers to immediate compliance with Title IX in any programs/sports/teams for which you have responsibility, have you specified steps and timelines for their expeditious elimination?
- Have you submitted to your building administrator information concerning any sex discrimination that you have identified in school athletic policies, programs, practices or materials?

Interscholastics

The *intramural* program provides opportunities for all students to utilize, in organized competition with their schoolmates, the knowledge and skills acquired in the basic physical education program. The *interscholastic* athletic program provides opportunities in secondary schools for students with superior athletic ability to develop and utilize fully this talent through organized competition with students of similar ability from other schools. (1)

Athletics is credited with many magic properties by true believers but it is only recently that it has been acknowledged that females also could achieve the same benefits as males from athletic participation. A list of these benefits includes: fostering the physical, mental, emotional, social and moral growth of participants; development of increased physical fitness and vitality and development of physical skills in movement which have potential for more efficient accomplishment of physical requirements of work and everyday living and more rapid response in situations demanding unusual strength, endurance, or coordination. Our common human heritage and a tolerance for the weaknesses and shortcomings of others and for economic, racial or religious differences, together with the ability to lose gracefully are also included. (1)

The degree to which all these benefits are achieved is open to question but it is unquestionable that athletics is a valuable part of the school life of boys and girls and the Title IX requirement that students may not be excluded from athletic competition (intramural and interscholastic) on the basis of sex is a step toward making its values and desirable outcomes equally available to both sexes. In 20th century living men and women compete constantly in the fields of work, of sport, and academics. Both men and women are exposed to situations demanding quick reflexes and reactions and all the other characteristics listed above.

A few areas of the country have offered varied competitive programs for both sexes for a number of years. High school athletic associations in these districts have arranged schedules to provide competitive opportunities in as many as 10 to 14 sports for girls and boys. Although the question of where the funds for enlarged programs are to be found is frequently raised, those districts and systems which have considered this level of competition for both sexes to be desirable have managed to get money for coaches and facilities and other support.

It is the difference in the degree of competition which is the key factor distinguishing activities in grades 4-8 from the high school programs. There may be extramural opportunities in grades 7 and 8 but they are at a lower level of intensity in order to avoid putting youngsters in situations of intolerable pressure. Title IX regulations do not speak to which sports should be part of the athletic program at any level—only to the fact that the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes.

All references in this document to organized interscholastics should be interpreted to mean interschool athletic competition at the high school level (grades 9-12). Completion of the compliance review suggested will enable administrators and athletic directors to decide whether, and where, changes in interscholastic practices are needed. According to the Title IX regulations, neither equal aggregate nor equal per capita expenditures for males and females are required.

During the first year (prior to July 21, 1976) educational institutions operating athletic programs above the elementary level were required to determine the interests of both sexes in the sports to be offered by the institution. Where the sport is a contact sport or where participants are selected on the basis of competition, the relative abilities of members of each sex for each such sport offered should be determined in order to decide whether to have single sex teams or teams composed of both sexes.

The determination of interest has raised some question in the minds of some administrators. How to go about the survey and how to interpret it have been cited as difficulties. It would be wise in developing the survey instrument to include questions that would indicate the degree of commit-

ment of students. An indication could be given of the availability of coaches, equipment and space, so that respondents could know whether an immediate response to their expressed interest is possible. Professional aid in framing the questionnaire for students would be a help.

If a few students elect a sport not previously played at an institution and there is doubt about how strong the commitment is, a reasonable stand on the part of the administration might be to suggest trying to include the sport in the physical education curriculum for one year so that intending participants may get basic instruction. If enough students persevere to a reasonable skill level then other things being equal arrangements can be made to include the sport in intramural or club activities until it is well enough established to warrant a varsity team.

In cases where the traditional structure of one team to one school does not provide competitive opportunities to all students, administrators might look for innovative methods of meeting the needs. For example, two nearby schools could join to field a team in a hitherto little played sport or arrange extramural games until enough interest is shown for the high school activities association to act regionally or state wide. In situations where several small colleges have joined in a consortium, some teams are chosen on a consortium wide basis and play in intercollegiate sports. High schools might be able to investigate a similar arrangement.

Interscholastic competition is regulated by state and local activities associations and it is important that these bodies should be responsive to the needs of female coaches and students. Until now, the governing bodies of these associations have been primarily male; arrangements should be made for an equitable number of women to be in governance positions on boards of control at every level. (Conversation with director of Office of Civil Rights/HEW, May 20, 1976.)

The position of professional educators has been for many years that coaches should be properly certified and competent teachers. The coach needs far more than a technical knowledge of the game. It is not the intention of the Title IX regulations to change such philosophical and pragmatic positions which were formulated for the protection of students. In general, in making an adjustment to an enlarged athletic program at all levels which will accommodate the interests of all highly skilled students, it helps to write detailed job descriptions for coaches and athletic directors and to resist the temptation to take as coaches individuals who have no qualification except that they once played the game.

Coaches have a responsibility to familiarize themselves with the rules governing athletics within their state or section and for being aware of Association for Intercollegiate Athletics for Women rules on recruitment and scholarships in addition to National Collegiate Athletic Association rules. All students should be counseled that some institutions have athletic scholarships available for members of both sexes.

In various interpretations of the athletic regulations issued by the Office of Civil Rights the vexed question of males on women's teams has been addressed. The regulations state that where a recipient sponsors a team in a noncontact sport for members of one sex but does not do so for the other sex, members of the excluded sex must be allowed to try out for that team *if overall* athletic opportunities have been previously limited. The fact that there has been no tennis team for female students does not automatically mean that they must be allowed to try out for the male tennis team. They must be permitted to try out for it, however, if opportunities to participate in competitive athletics generally (not just tennis) have previously been more limited for females than for males. Volleyball and field hockey have been two sports in which it has been feared that females would lose competitive opportunities because as they are not contact sports according to Title IX, the males would wish to try out for them. However, according to the interpretation given above, males need only be allowed to try out if all their sports activities were previously more limited than those of the females in the school. At the present time, it is an unusual school where this is the case. (6)

There is one comment that can be made about this situation. In those schools such as the ones mentioned earlier that have always provided a fair competitive program for the female students, there are grounds to fear that the girls might lose out. The program for girls has usually included more noncontact sports than the boys program. In many cases the only contact sport as defined by Title IX played by girls is basketball. There is great danger here that the program for girls might become unduly diluted and provide them with fewer opportunities than previously because there would be no legal basis to refuse opportunities to the males to try out for the teams in noncontact sports. This would be less likely to happen to the boys interscholastic program as boys traditionally play more contact sports. Although Title IX regulations do not require it, when the interest survey shows the need it might be a good idea to sponsor all male teams in addition to the female teams in some noncontact sports like field hockey or volleyball if enough interest is shown.

The interpretations also state that unitary teams (i.e., teams composed of members of both sexes) for which selection is based upon competitive skill may be sponsored only if, in doing so, the interests and abilities of members of both sexes are effectively accommodated. In other words, where a school decides that anyone, regardless of sex, may try out for a team, and there is substantial interest on the part of females in that sport but very few of them have skill sufficient to be selected, the sponsorship of the unitary team would not be sufficient to meet the interests and abilities of both sexes. (6)

Students may not be excluded on the basis of sex from participation in a sport offered at the intramural or interscholastic team level, even though it may be contact sport or the basis for team selection is competitive skill, if sufficient interest exists among members of the sex that would otherwise be excluded to form a separate team and if there are fewer opportunities for members of that sex to participate in athletics at the level of

competition in question.

In the September 1975 memorandum from the Director of the Office of Civil Rights on elimination of sex discrimination in athletic programs, it is stated that the fact that a particular segment of an athletic program is supported by funds received from various other sources (such as student fees, general revenues, gate receipts, alumni donations, booster clubs, and non-profit foundations) does not remove it from the reach of the statute and hence of the regulatory requirements. (6)

Intramurals and Club Sports at Junior High and High School Level

The varsity athletic teams in grades 9-12 accommodate a select group of highly skilled youngsters. The core of learning experience is in the physical education curriculum, and the skills learned in such classes can be applied by less highly skilled students in after-school and noon-hour intramural games. No matter on what basis teams are made up in intramurals, whether it is by skill, homeroom, grade level or in any other way, persons may not be excluded on the basis of sex from participation in a sport, even though it may be a contact sport, if sufficient interest exists among members of the sex that would otherwise be excluded to form a separate team and if there are fewer opportunities for members of that sex to participate in athletics at the level of competition in question. Intramural teams in noncontact sports, for which selection is based on interest rather than skill, may not limit membership to students of one sex.

Competition in intramurals should be as equal as possible, based appropriately on age, ability, height, weight, physiological maturity, and strength of participants. The same care for the safety of the participant should be taken as in interscholastics. In order to accommodate the great variations in sizes of children even in the same grade, it may be an advantage to rely more on ability, height, strength, weight, and physiological maturity than on grade level or age. (2)

In brief, school-sponsored intramural activities must meet the interests of both sexes and provide them with access to sports in which they display an interest. It was not the intention of the people framing the Title IX legislation nor of those writing the regulations to restrict opportunities for students in any way so administrators are urged to look at total program opportunities available at all skill levels for males and females before curtailing any activities.

Intramurals at the College or University

Intramural programs at most institutions are probably not far out of line with Title IX requirements at the present time because they are organized to meet the recreation needs of all students. In many sports and many colleges, the teams are already sex integrated and there should be few problems in making the remaining adjustments. Since open access is the key adjustments might need to be made where intramural leagues and teams are organized on the basis of dormitory residence or other such considerations. While living quarters may be organized on the basis of the sex of the occupants, this is not a legitimate basis for deciding team membership.

Institution-sponsored intramural activities and club sports receiving considerable institution support must meet the interests of all students and provide them with access to sports in which they display an interest which is already the situation at many institutions. Administrators are urged to look at the total opportunities for sports participation for all students before deciding to curtail these activities which are so necessary to the health of students.

Problem Areas

The following discussion of some of the problem areas includes facilities use and management, teacher behavior, employment, community relations and student attitudes. It is presented separately because the problems are general to every level of education.

Facilities Use and Management in Physical Education and Athletic Programs

In deciding whether an institution or school is in compliance with the Title IX regulations so far as facilities is concerned it is wise to ask whether facilities are so used that neither sex is restricted to a limited area and decide also whether locker and shower facilities are adequate for both sexes. Check lists for determining compliance are included in "Complying with Title IX: Institutional Self Evaluation." (5)

Existing facilities must be utilized in most schools so that if the self evaluation process has revealed inadequacies, it is the duty of the administrator to set up schedules for use that are in compliance with the spirit of the Title IX regulations.

In setting up schedules it is helpful to make a matrix of all facilities used for physical education and athletics (intramural and interscholastic), indicating the construction and special qualities; the size of the facility; special markings; floor construction; equipment such as rings or ropes, barres for dance classes or baskets. Assign facilities to accommodate all classes equally after appropriate consultation with director or teacher.

Title IX regulations specifically allow separate locker rooms for males and females but locker rooms should be so constructed as to be accessible to and available for use by either sex when necessary. This would be the case if large competitive events were being held and several teams had to be accommodated.

Office space should be accessible to both sexes without the individual having to walk through a locker room occupied by members of the opposite sex.

In designing new buildings or making alterations to existing ones, architects should be requested to provide team rooms, officials rooms, and offices in a single central location available to and adjacent to facilities used by both sexes.

In schools where there is one universal gym or similar piece of equipment, it should be installed in a place accessible to both sexes.

Teaching stations (unless locker room duty is treated as a teaching station) will need to be accessible to all teachers and all students.

Teacher Fears and Problem Behavior

In developing the skills of movement, in conditioning the heart, lungs and muscles, and all the other facets of physical education mentioned in this document, it would not seem there would be great difficulty in conducting the activities in sexually integrated classes. However, some administrators and teachers have expressed many fears; some have gone so far as to say that the goals of Title IX in physical education are impossible to achieve.

What are these fears and from what do they arise? They are not limited to one particular level but they do vary slightly from elementary school to high school, to college. Any individual with responsibility in physical education and athletics who expresses such fears of nonsuccess might find it useful to undertake a rigorous self-examination. List the fears and acknowledge them. On what are they based? Is there some personal history behind a particular phobia? Is there one recorded instance where the feared thing has actually happened?

Perhaps some of the following will touch a responsive chord.

Problem—All my life I have taught in a women's (girls') department and I was hired to teach girls. I like my students to be attentive, I maintain good discipline. Male students will be a disruptive influence and I am not going to change at this stage.

Comment—This is a variation of the "boys play—girls sit and learn," pattern. It may be that girls should be more active and boys learn more. Both sexes may gain from being exposed to differing teaching styles, and from being forced to accommodate themselves to demands of different students. Teachers may find that relatively small adjustments are successful. Those men teachers who have had a pattern of commencing activities immediately with no verbal instruction first may find that having to accommodate their teaching style to the requirements of students who demand an explanation may be an overall improvement.

Problem—I cannot teach wrestling holds to girls or women students. You just cannot have wrestling in a sex integrated class.

Comment—The Title IX regulations do not require heterosexual wrestling. If girls opt for a wrestling class, they

may be separated within the gymnasium during class—boys and girls do not have to be on the same mat. The situation might respond to a team teaching approach. Teaming a man and a woman in this situation eliminates the need for the teacher to demonstrate holds in ways that may embarrass her/him. In speaking of wrestling it is advisable not to stress any connection with sexuality.

Problem—When I am teaching in a gymnastics class and I am spotting, and I have to catch a falling student, what if I am accused of making sexual advances? (This comment comes from male and female teachers.)

Comment — Regulation gymnastics equipment for males and females differs and at least in the adjustment period this is another situation where team teaching might work well. However before teaching beginning students in gymnastics classes explain to them the danger and the need for care and why you "spot." It is for their protection.

Problem — Physical education and athletics, as the name implies, are physical. Many athletes, coaches, students, and teachers have a habit of patting or hugging each other. It is observable on the football field. Every time somebody does something really good, one of the team mates pats his bottom.

Comment—All of this is harmless in the context and nobody would really wish to inhibit the natural expression of approval when a game is won, or any other small or large success achieved. But in teaching or coaching members of the other sex, too much physical ebullience may be out of place.

Problem—What about tort liability? What about accidents in a sex integrated situation?

Comment—Teachers are responsible for the safety of students. In every situation they must teach in a prudent fashion bearing in mind the ability and skill of the students. In a sex integrated class greater care may need to be taken in student assignment and pairing. Some type of classification or evaluation by weight or size needs to be made even in noncontact sports. Develop an awareness in students of the need for care in playing so that others are not injured. Tort liability holds just as well when a 200 lb. student injures an 80 lb. student of the same sex in a football game or other contact activity.

Problem—Who will supervise the locker rooms?

Comment—It is clearly the responsibility of administrators to see that locker rooms are properly supervised. They must make a determination of what is appropriate and possible in the local situation. A master's degree in physical education is not a necessary qualification. In some situations paraprofessionals have been given the duty; in others the solution has been to declare the locker room a teaching station. It has even been suggested that locker room duty might be included along with hall or cafeteria duty as one of the many duties shared by all school faculty.

Problem—What about dress standards?

Comment—Imposition of different standards for the sexes is a violation of the Title IX regulations. The school administration may make a policy on what is appropriate and safe dress for students in the gymnasium but the policy must be applied equally to all students. For example, males may not be permitted to wear any pants and a tee shirt, but females only blue (or other color) shorts and white tee shirts. That would be imposing different standards.

Other Teacher Behavior

Although in the actual situation it may be that the males in class are stronger, avoid asking boys to do heavy jobs. Ask for "x" number of students to put up the nets, or move heavy equipment.

Faculty members should avoid remarks that equate certain performance standards with one sex, as "Shape up, John, you're throwing like a girl." Or, "Good, Mary, now you're throwing like a boy."

When students are being counseled for elective programs state the choices in a nonsexist manner. Avoid comments like, "You don't need to get into the football line if you take that dance (or gymnastics) class." Or alternatively, the ballet teacher or gymnastics coach saying, "If you try out for basketball you needn't come to dance class."

Lining up students by sex, girls in one line and boys in another, frustrates the intention of sex integration of classes.

Nonverbal communication says as much as verbal communication. In a physical discipline like physical education and in coaching, personnel need to be aware of the danger of saying by facial expression or movement what may not be said vocally.

In teaching games in an instructional situation there is a tendency sometimes to allow the class to become a game with the teacher acting as official. Although this is not related to Title IX requirements, it is poor teaching and in a sex integrated situation watching the movement of the ball and not of *all* the students is not good teaching or safety practice. A suggestion is to allow students to develop their leadership potential by allowing boys and girls to act as officials in instructional games.

Modified versions of exercises may still be taught and used (during warmups, for example) but be aware of the sexist connotations of calling the modified pushup "the girls pushup." Boys and girls may need to perform modified activities on occasion; such activities are intended to be progressions to enable students to achieve greater success.

Student Attitudes

Young people most often reflect attitudes of the adults with whom they associate. Basically students' attitudes are positive and if the environment from which they come into the physical education class or the athletic situation is socially and psychologically sound they will not be greatly disturbed by changes. They will be reassured if they understand that physical education is now falling into the same pattern as other disciplines.

Community Awareness and Support

The regulation requires that the community be informed through a policy statement carried in local newspapers and through school channels of the right of every student to participation in all school activities. This should have been done by October 19, 1975. There is a continuing need for community awareness on this subject and it is helpful to tie in the need for equal opportunity for all with notifications of changes in school procedure when this is relevant.

Parent/teacher groups may be asked to schedule a meeting where changes connected with sex integration of classes or enlarged opportunities for sex integrated sports or for single sex sports may be explained and discussed. It is essential to present such changes in a positive light, and not to suggest to students or parents that some mysterious "they" in Washington or the state capitol says we must implement these changes. It should be emphasized that this process is good, overdue, and a better preparation for life. The local media, both print and broadcast, can be included in these briefings. The person in the school administration with responsibility for news dissemination should be encouraged to prepare and distribute information on this subject.

It is particularly important for administrators to be supportive and enthusiastic about any changes because if they appear lukewarm then neither parents, students, nor faculty will be strongly supportive. Administrators, athletic directors, well-known teachers and coaches can be helpful in working with local groups to explain the changes.

Employment

Physical education teachers at all levels are beneficiaries of the same prohibitions of discrimination on the grounds of race, religion or sex as all teachers in all disciplines. Administrators are required to make all employment decisions in any education program or activity in a nondiscriminatory manner. There are instances where women teachers have received less pay, been assigned to less desirable teaching loads and schedules or had less desirable fringe benefits, particularly in the form of pay for extracurricular duties. School systems and institutions are prohibited from entering into any contractual or other relationship which directly or indirectly has the effect of subjecting employees or students to discrimination including relationships and contracts with labor unions.

Contractual relationships with labor unions and teachers' associations are mentioned specifically because in many cases women coaches have been discriminated against in negotiated contracts. The U.S. Department of Labor has made some decisions in respect to coaching pay. These have been upheld by the courts. Coaches must receive equal pay for equal work and responsibility. Subjective considerations such as pressure, large crowds at games or responsibilities for expensive equipment cannot be included as variables in deciding on pay for coaching responsibilities. Factors to be included in determining pay scales should be: length of season for a particular sport, level of responsibility (head coach, assistant coach), and job performance (not to be equated with won-loss record).

Changes in current administrative structure(s) or coaching assignments which have a disproportionately adverse effect on the employment opportunities of employees of one sex are prohibited by the regulation. (6) In a conversation with members of the physical education and sports professions in May 1976 the Director of the Office of Civil Rights stated that when formerly separate sex designated departments of physical education are merged, the overall picture of administrative assignments must be looked at. That is, if there is a male athletic

director of an integrated department and a male head of combined physical education departments in the same institution, there is some indication of prejudice.

Some school systems insist on coaches being certificated; some have found that requiring all coaches to receive a given standard on an examination is useful in maintaining coaching quality. Whatever decision is made locally should be in keeping with statutory requirements of the state and federal government prohibiting discrimination on the basis of sex.

References

(1) *Athletics in Education:* A Platform Statement by the Division of Men's Athletics, American Association for Health, Physical Education, and Recreation. Revised 1972. (Washington, D.C.: AAHPER, 1972.)

(2) *Essentials of a Quality Elementary School Physical Education Program:* A Position Paper of the Elementary School Physical Education Commission of the Physical Education Division of the American Association for Health, Physical Education, and Recreation. (Washington, D.C.: AAHPER, 1970.)

(3) *Secondary School Physical Education* (position statement drafted in 1976 by the Secondary School Physical Education Council of the National Association for Sport and Physical Education of AAHPER; pending approval).

(4) "Standards for the General College Physical Education Program." Prepared by a Task Force of the College and University Physical Education Council of the National Association for Sport and Physical Education of AAHPER. *Journal of Physical Education and Recreation*, September 1975 pp. 24-28.

(5) *Complying with Title IX: Implementing Institutional Self-Evaluation.* (Washington, D.C.: U.S. Department of Health, Education, and Welfare, Office of Education, June 1976.)

(6) Memorandum from the Director, Office of Civil Rights, Department of Health, Education and Welfare to Chief State School Officers, Superintendents of Local Education Agencies and College and University Presidents, September, 1975.

Other Suggested Readings

Bibliography of Research Involving Female Subjects: A Compilation of Theses and Dissertations in Physical Education, Health, and Recreation. NAGWS Research Committee Project. (Washington, D.C.: AAHPER, 1974.)

Ideas for Secondary School Physical Education. (Washington, D.C.: AAHPER, 1976.)

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